Statement of Past Grand Master John Ellington, Jr.
Most Worshipful Prince Hall Grand Lodge
March 25, 2003

Good Afternoon, Mr. Chairman and Board Members. I appreciate the opportunity to give closing remarks on behalf of the Most Worshipful Prince Hall Grand Lodge.

My name is John Ellington, Jr.; I am the current Junior Past Grand Master of the Most Worshipful Prince Hall Grand Lodge. I am serving as the formal representative of the Grand Lodge and the Most Worshipful Grand Master Aaron Jordan. In keeping with time measures, I request the opportunity to revise and extend my remarks.

The Prince Hall Grand Lodge is one of the oldest fixtures in the Washington, DC African-American community. Most importantly in Washington, DC, the Prince Hall Grand Lodge has remained a permanent voice in the community since the 1930's, spanning throughout the 1960 riots, through Vietnam, the 1990's and it still stands today. The Prince Hall Grand Lodge is the meeting place for over 6,000 members, both men and women. Sixty four percent of the membership is 56 years old or older.

During the acquisition of several pieces of property, the Grand Lodge opened its parking lot in 1974. Over the years the parking lot has served as a useful addition to the Grand Lodge. The Grand Lodge was granted a Special Exception, to use the property as a parking lot. Shortly thereafter, the Grand Lodge renewed its occupancy permit as required. Due to an oversight among our volunteers in the Grand Lodge, our occupancy permit with a Special Exception status was not renewed. Although we continued to pay our DC taxes, we did not have a valid use permit. As soon as we discovered our error, the Grand Lodge reapplied so that we could comply with DC guidelines.

The Grand Lodge's parking lot is a necessity to the membership. It is needed as assistance to the elders of the Grand Lodge as well as tenants and leadership of the Grand Lodge.

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We hope all parties concerned recognize our dedication to the BZA hearing process as evidenced by our dedication to redevelopment and community acceptance of our parking lot.

The Grand Lodge has made strides to improve the overall appearance of our property. With the aid of a Federal Grant, the Grand Lodge was able to launch the restoration of the main headquarters, located at 1000 U Street, NW. The Grand Lodge continues to finance redevelopment and revitalization efforts, including the parking lot:

- We planted much needed shrubbery which unfortunately has been stolen;
- He have continued to talk with the Advisory Neighborhood Commission-1B and the Westminster Neighborhood Association in an attempt to negotiate an agreement between all parties; and,
- We have contacted officials in the DC Metropolitan Police Department, the Office of Planning, the Development Review & Historic Preservation Office, and the Department of Transportation to ensure that we have fulfilled all requirements associated with operating the parking lot.

We are compelled to provide you with our sense of what the negative impacts would be if the parking lot were not there. Often community activists fail to consider such impacts on a neighborhood's citizens:

1. There would be increased parking on residential streets by our members, tenants and Grand Lodge leadership, both during the week and on weekends. This would impose a hardship on our neighbors which we believe is unnecessary.
2. The Grand Lodge would be unable to donate any parking to public uses as we do currently.
3. Charitable operations within the neighborhood such as blood drives and youth car washes that take place on the lot would no longer be possible; and,
4. The convenience and reverence we extend to our senior citizens would be impossible to continue if no parking were available to them.

The Grand Lodge has received positive feedback from both the Department of Transportation (DOT) and the Office of Planning (OP) associated with the studies they have undertaken relating to the parking lot. The DOT has stated that there are no issues of concern which would cause them to recommend against the special exception. The OP also issued a favorable report associated with our request.

We commit to meet any and all requirements related to renewal of our Certificate of Occupancy. We shall not permit a situation such as we find existing now to occur in the future. The Grand Lodge now understands the regulatory requirements associated with our parking lot and will be in compliance. We understand the impact the parking lot has on the surrounding community and will be issuing a proclamation to our membership underscoring our commitment to work with the ANC and WNA. We will solicit their input on further improvements which could be made to the parking lot. The aesthetic qualities of the community is a priority to this Grand Lodge.

In closing, we the Most Worshipful Prince Hall Grand Lodge, have faith that you will deliberate and decide our case fairly given the interests of all parties concerned. We pledge that if the Special Exception is approved, we will do everything within our power to increase harmony and a spirit of cooperation in the neighborhood. In addition, we will remain in contact with staff of the Office of Zoning to continue our education process and to ensure full compliance with DC Municipal Regulations in regards to our property.

Once again, thank you very much and I look forward to a positive outcome of your deliberations.

BEFORE THE BOARD OF ZONING ADJUSTMENT
APPLICANT'S CLOSING REMARKS
BZA CASE #16938

The applicant is before the Board seeking a special exception under the provisions of Section 214 to continue the use of the existing accessory parking lot at 1902 Vermont Avenue, NW. The applicant seeks this relief because the existing building has no provision for off-street parking. The building occupies 89% of the site making it physically impossible to provide open parking on the site. It is structurally impractical to provide parking within the building. The ARTS Overlay prohibits curb cuts on U Street NW. The property abuts the Black Civil War Veterans Memorial to the East and developed residential property to the South. The only available access point would be through the narrow twelve-foot alley West of the property. This is not a viable option. The building is a six-story masonry and steel structure that would require massive engineering to safely modify the building for a parking garage. In its current state, the ground floor could not structurally support a parking garage. Alternatively, construction of an access ramp to the basement would be difficult if not impossible given the limited space available for heavy equipment and materials.

The parking spaces are accessory to the Most Worshipful Prince Hall Grand Lodge located at 1000 U Street N.W. The building was built prior to the off-street parking requirements. Off-street parking was not required and none was provided. The result is a building containing 64,846 sq. ft. of gross floor area without access to any accessory parking. As previously shown, after application of the 25% Metrorail reduction, the building would still require 112 accessory spaces if built today. Clearly the regulations recognize that there is a need for off-street parking even if the use is within close proximity to the subway. The lot was established in 1974 as partial remedy to the lack of accessory parking spaces.

In order to obtain special exception relief, we are seeking variance from the distance and proximity conditions of Sections 214.3 and 214.4, respectively. The applicant submits that it meets the test for variance due to the extraordinary and exceptional condition presented by the age of the building and present development in square 333.

Section 3103.2

The existing lot does not comply with the conditions of Section 214.3 in that it is not located in its entirety within 200 feet of the principal building. An exceptional situation arises from the fact that the lot has existed in its current location since 1974. It has a long and successful history of use. There have been no documented complaints regarding its existence or operation. The lot is paved, striped, and has wheel stops in place to protect the public space and neighboring properties. The owner is in the process of improving the site to fully comply with current requirements. The northern edge of the lot is approximately 225 feet from the rear of the principal building. The distance to the end of

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the lot is approximately 285 feet[1]. There are no undeveloped properties that are entirely within 200 ft. of the principal building. The lot cannot reasonably be moved to accommodate this requirement. An exceptional and undue practical difficulty would result if the Lodge is asked to abandon or move this longstanding amenity. The applicant would lose the use of the only accessory parking location available in this square and the community would suffer.

The existing lot is not, "contiguous to or separated only by an alley from" the existing Grand Lodge as conditioned in Section 214.4. There are no properties contiguous to or separated only by an alley that can be acquired to meet the requirement of Section 214.3. Immediately West of the building is the Black Civil War Memorial and the Metrorail station. There is no possibility of acquiring this land. The building is abutted to the South by a series of residential row dwellings. Even if they could be acquired, at least three of these dwellings would have to be demolished to provide a comparably sized parking area. In addition, existing street parking would be reduced by the size of the new curb cut that would be required for access. The only other access option is through the narrow twelve-foot alley in the rear. This option would not reasonably serve the applicant or the community that must share that alley. There are no other properties contiguous to the principle building.

The building abuts a twelve-foot (12ft.) alley to the West. The commercial property across the alley is fully developed and actively in use. The properties beginning eighty feet (80 ft.) South of U Street that are within the prescribed 200 ft. radius are Zoned R-4 and developed with row dwellings. Again, even if they could be acquired, the Lodge would have to demolish at least three such residential properties to provide a comparably sized parking facility.

A special exception is a use that is pre-deemed compatible with other uses within the same zoning district. The Board's discretion in reviewing an application for special exception is limited to a determination of whether the applicant has complied with the enumerated conditions for special exception relief. If the applicant meets its burden, the Board ordinarily must grant the application. Washington Ethical Society v DC Board of Zoning Adjustment, 421 A.2d 14 (DC 1980); Stewart v DC Board of Zoning Adjustment, 305 A.2d 14 (DC 1980). The applicant submits that it has met the test for variance from conditions 214.3 and 214.4. The report from the Office of Planning indicates agreement.

The record shows that the proposal meets the conditions of 11DCMR Section 214.2 and 214.5 through 214.8, which are specifically designed to minimize impact on neighboring properties. The detailed traffic report submitted by O. R. George and Associates clearly indicates that there is a pressing need for parking in the area and that there would not be any negative impact resulting from the continuation of the subject lot. While the report alludes to a somewhat restricted field of view upon exiting the lot there is no evidence

[1] Distances scaled from Baist's Atlas.

that this condition has caused or will cause any accident or incident during operation of the lot. Nevertheless, the applicant has committed on the record to continue to alert it's tenants and membership of this potential hazard. It should be noted that the Department of Transportation has only noted one traffic accident in the general vicinity of the parking lot in the last three years. There is no indication that the accident was the result of anyone entering or exiting the lot. In response to community concerns, the applicant has requested additional road signs to further minimize the potential for traffic problems. The report from the Department of Transportation supports the traffic analysis submitted by the applicant.

The lot has operated for nearly 30 years without registered or substantiated complaint. The applicant has made numerous attempts to work with the opposition in mitigating any perceived impact that might result from the continued operation of the lot. The existing lot is small and woefully inadequate to meet the needs of the Lodge, but the proposal to expand the lot was abandoned in deference to community concerns.

The Lodge has met with community leaders in an attempt to resolve their issues. The ANC1B has indicated by vote that it would support the application if the applicant could reach an agreement with the Westminster Community Organization. The applicant initiated a dialogue to that end. Unfortunately, some members of the opposition want the lot closed, period. Even so, the applicant has responded proactively to suggestions and complaints regarding the potential for adverse impact voiced by the opposition.

Although it has never been the intent of the applicant to abandon the existing parking spaces in favor of alternate parking arrangements, in order to provide accommodation for its tenants, members and guests and to mitigate the potential for parking overflow into residential neighborhoods, the applicant has responded proactively to suggestions proffered by the community for the provision of additional parking at nearby businesses. Many of the available lots are in the Arts District Overlay and are restricted by the regulations as to when they may share their accessory parking spaces. In addition the applicant has not yet been able to reach an agreement as to when accessory spaces may be made available exclusively to the applicant. This will be an ongoing process.

The applicant has met the burden of proof to allow variance from the conditions stated in Sections 214.3 and 214.4. The Office of Planning Supplemental Report supports this contention. The applicant supports the conditions recommended by the OP report and requests approval of the application.